UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,726	03/23/2001	John Kroeker	ELZK-004	8193

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ART UNIT	PAPER NUMBER
2154	7

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/815,726	KROEKER ET AL.
	Examiner	Art Unit	
	Mohammad A Siddiqi	2154	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _23 January 2004_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-18_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-18 are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application
> for patent by another filed in the United States before the invention
> thereof by the applicant for patent, or on an international application
> by another who has fulfilled the requirements of paragraphs (1), (2),
> and (4) of section 371(c) of this title before the invention thereof by
> the applicant for patent.

3.   Claims 1,2,4-9, 11,14,17, and 18, are rejected under 35 U.S.C. 102(e)

as being anticipated by Brown et al. (6587822) (hereinafter Brown).

4.   As per claims 1, 11, and 18, Brown discloses a speech application

system (Figure 2, element 122, col 4, lines 31-41), comprising:

A. a speech recognition (SR) system (Figure 2, element 122, col 4, lines 31-

41) configured to receive an audio input (figure 1, element 108, col 2, lines

6-64) and generate a set of semantic data (col 13, lines 30-36) representing

a plurality of valid interpretations of said audio input (col 13, lines 19-35);

B. a speech application script (col 13, lines 19-25), loaded at the SR system

and configured to task said SR system script (col 13, lines 19-25), said

application script defining a context (col 13, lines 19-25);

 C. a semantic data evaluator (col 13, lines 19-35), configured to receive

said set of semantic data and said context and (col 13, lines 19-35), as a

function thereof, to generate a linguistic result corresponding to said audio

input (see abstract, col 11, lines 60 -66), and to return said linguistic result

to said application script (col 13, lines 19-35); and

D. a set of reusable object oriented interfaces (figure 2) local to the SR

system (Figure 2, element 122, col 4, lines 31-41), said interfaces

configured to interface said application script (col 2, lines 14-19) with said

SR system (Figure 2, element 122, col 4, lines 31-41).

5.   As per claim 2, Brown discloses one or more of said application script

is included in a Web page (col 14, lines 13-21).

6.   As per claim 4, Brown discloses an application script includes

programming code written in a language chosen from a group of scripting

languages comprising (1) Jscript; (2) PerlScript; and (3) Vbscript (col 14,

lines 1-14, it is inherent, Javascript, Jscript, PerlScript, and Vbscript

scripting languages embedded in web page development).

7.   As per claim 5, Brown discloses the set of semantic data is represented

as a semantic tree instance (col 13, lines 30-35).

8.   As per claim 6, Brown discloses the semantic data is represented in a

semantic object (col 13, lines 19-35).

9.   As per claim 7, Brown discloses audio the input is received from a

device chosen from a group comprising (figure 1, element 108, col 2, lines

61-67):

A. a telephone (figure 1, element 106-1, col 2, lines 61-67);

B. a cellular telephone (figure 1, element 106-1, col 2, lines 61-67);

C. a personal computer (figure 1, element 106, col 2, lines 61-67);

D. an application server (figure 1, element 106-N, col 2, lines 61-67); and

E. an audio receiver (figure 2, element 108, col 2, lines 61-67).

10.   As per claim 8, Brown discloses an audio input is received via a

network comprised of one or more wire or wireless networks from a group

(figure 1, element 108, col 2, lines 61-67) comprising:

A. a telephone network (figure 1, element 106-1, col 2, lines 61-67, col 3,

lines 1-21);

B. a cellular telephone network (figure 1, element 106-1, col 2, lines 61-67,

col 3, lines 1-21);

C. a LAN network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-

21);

D. a WAN network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines

1-21);

E. a virtual private network (figure 1, element 106-1, col 2, lines 61-67, col

3, lines 1-21);

F. the Internet network (figure 1, element 106-1, col 2, lines 61-67); and

G. the Web network (figure 1, element 106-1, col 2, lines 61-67).

11.   As per claim 9, Brown discloses valid interpretations of said audio

input includes all valid interpretations of said audio input within said context

(col 13, lines 18-36).

12.   As per claims 14 and 17, Brown discloses a speech application script

included within a Web page (col 14, lines 13-18), and configured to interact

with a SR system (figure 2, element 122) hosted on a first computer and

configured to receive (col 4, lines 14-30) an audio input (figure 2, element

108, col 3, lines 23-29) and to generate one or more semantic objects (col

13, lines 30-36) representing a plurality of valid interpretations of said audio

input (col 13, lines 19-21), said first computer also including a plurality of

interfaces objects and a semantic object evaluator configured to generate

from said one or more semantic objects a single interpretation of said audio

input as a function of a context(col 13, lines 19-36), said speech application

script comprising:

A. a context definition (col 13, lines 16-17);

B. a link to said semantic object evaluator (col 13, lines 30-36);

C. a link to said SR system (figure 2, element 122), via a semantic interface

object (figure 2, element 120), from said plurality of interface objects (col

13, lines 30-36);

 D. a set of control functionality comprising:

(1) a session manager configured to generate user prompts and to

determine a next action as a function of said single interpretation (col 14,

lines 13-21);

(2) a SR system controller (col 14, lines 1-13), configured to task said SR

system (col 2, lines 24-52); and

(3) a communication manager (col 14, lines 1-13), configured to manage

interaction with said input device (figure 2, element 108) via said SR system

(figure 2, element 122), wherein said speech application script (figure 2,

element 110,112is loaded on said first computer from a second computer

(col 4, lines 31-46) and said speech application is configured to conduct

speech application sessions without accessing said second computer (col 14,

lines 1-13).

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis

for all obviousness rejections set forth in this Office action:

14.   Claims 3, 10, 12,13,15 and 16 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Brown et al. (6587822) (hereinafter Brown) in view

of Mikurak et al. (6606744) (hereinafter Mikurak)

15.   As per claims 3, 13, and 15, Brown discloses interfaces are objects (col

14, lines 1 –14).

 Brown fails to explicitly teach interfaces are object exposed via ActiveX

facilities. However, Mikurak discloses teach interfaces are object exposed via

ActiveX facilities (col 15, lines 21-40). Therefore, it would have been

obvious to one to of ordinary skill in the art at the time of the invention to

use ActiveX component in web pages because ActiveX components create

and manage interactive multimedia at the Web site on Microsoft platform

and can be easily integrated with SQL Server or other Microsoft products).

16.   As per claims 10,12, and 16, Brown discloses the speech application is

chosen from a group of interactive speech applications (col 18, lines 21-27)

comprising:

Brown fails to expressly teach the applications is chosen from a group of

applications:

A. consumer survey applications;

B. Web access applications;

C. educational applications, including health education applications and

computer-based lesson applications and testing applications;

D. screening applications, including patient screening applications and

consumer screening applications;

E. health risk assessment applications;

F. monitoring applications, including heath data monitoring applications and

consumer preference monitoring applications;

G. compliance applications, including applications that generate notifications

of compliance related activities, including notifications regarding health or

product maintenance;

H. test results applications, including applications that provide at least one of

lab test results, standardized tests results, consumer product test results,

and maintenance results; and

I. linking applications, including applications that link two or more of the

applications in parts A through H.

However, Mikurak discloses the applications is chosen from a group of

applications:

A. consumer survey applications (col 131, lines 5-15);

B. Web access applications (col 38, lines 7 –38);

C. educational applications, including health education applications and

computer-based lesson applications and testing applications (col 38, lines 7

–38);

D. screening applications, including patient screening applications and

consumer screening applications (col 150, lines 20-49);

E. health risk assessment applications (col 150, lines 20-49);

F. monitoring applications, including heath data monitoring applications and

consumer preference monitoring applications (col 150, lines 20-49);

G. compliance applications, including applications that generate notifications

of compliance related activies, including notifications regarding health or

product maintenance (col 150, lines 20-49);

H. test results applications, including applications that provide at least one of

lab test results, standardized tests results, consumer product test results,

and maintenance results (col 150, lines 20-49); and

I. linking applications, including applications that link two or more of the

applications in parts A through H (col 38, lines 7 –38).

Therefore, it would have been obvious to one to of ordinary skill in the art at

the time of the invention to build a system where users can get information

via multiple channels such as IVR, electronic mail, and FAQ (Frequently

Asked Questions) published on website.

Response to Amendment

17.   Applicant's arguments filed 01/23/04 have been fully considered but

they are not persuasive:

In response to applicant's argument " But there is nothing Brown

cites that discloses, suggests or anticipates a set of", the examiner

respectfully disagrees. The Brown prior art teaches a set of semantic

data representing a plurality of valid interpretations by using grammar

generator (fig 2, col 3, lines 60-67 and col 5, lines 60-63, Dictionary

meaning of grammar is a book containing the morphologic, syntactic,

and semantic rules for a specific language). Therefore, limitation is

met by the reference.

In response to applicant's argument " The action does not give

any hint", the examiner respectfully disagrees. The Brown prior art

teaches speech application script (col 2, lines 14-17, Dictionary

meaning for the script: is a simple program in a utility language or an

application's proprietary language) that tasks (col 2, lines 15-17) the

SR (col 3, lines 60-64), semantic data evaluator (col 13, lines 30-34,

dictionary definition of parser in Computer Science, to analyze or

separate (input, for example) into more easily processed

components.). Therefore, limitation is met by the reference.

In response to applicant's argument " Brown does not anticipate

or disclose object oriented interface", the examiner respectfully

disagrees. The Brown prior art teaches object oriented interface (col

14, lines 1-6, java is Developed by Sun Microsystems, Java is a

programming language that is specifically designed for writing

programs that can be safely downloaded to your computer through the

Internet and immediately run without fear of viruses or other harm to

your computer or files. Using small Java programs called "Applets",

Web pages can include functions such as animations, calculators, and

other fancy tricks. Java is a simple, robust, object-oriented, platform-

independent multi-threaded, dynamic general-purpose programming environment. It is best for creating applets and applications for the Internet, intranets and any other complex, distributed network, it can also be used to write applets. JavaScript – a scripting language commonly used on web pages. It has many uses, including validating fields in a form, or writing information to the user's screen).Therefore, limitations is met by the reference.

In response to applicant's argument " the Brown cite does not discloses a web page having a speech application script for tasking a SR system", the examiner respectfully disagrees. The Brown prior art teaches a web page having a speech application script for tasking a SR system (col 2, lines 9-21, Dictionary meaning for the script: is a simple program in a utility language or an application's proprietary language). Therefore, limitation is met by the reference.

In response to applicant's argument " the Brown cite does not discloses semantic tree", the examiner respectfully disagrees. The Brown prior art teaches semantic (col 13, lines 30-34) tree (col 9, lines 29-32, trees are indented to implement hierarchical structure). Therefore, limitation is met by the reference. Claims 1,2,4-9,11,14,17, and 16 stands rejected.

18.   In response to applicant's argument that there is no suggestion to

combine the references, the examiner recognizes that obviousness can only

be established by combining or modifying the teachings of the prior art to

produce the claimed invention where there is some teaching, suggestion, or

motivation to do so found either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art. See *In re*

Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958

F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case: the applicants

alleged invention system is creating transactional speech system using Web

technologies, Mikurak prior art teaches network/internet based supply chain

environment (col 2, lines 53-67), and Brown prior art teaches Interactive

Voice response system using web technologies. Applicant uses any

commonly known scripting language such as Jscript, PerlScript, and Vbscript,

So is Brown and Mikurak uses to implement the system. Consumer base for

the Applicant and referenced prior art is similar.

Conclusion

19.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (703) 305-0353. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained

from the Patent Application Information Retrieval (PAIR) system. Status

information for published applications may be obtained from either Private

PAIR or Public PAIR. Status information for unpublished applications is

available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center

(EBC) at 866-217-9197 (toll-free).

MAS

ZARNI MAUNG
PRIMARY EXAMINER